

October 19, 2009

FROM: James Emmert, 4496 Pettis Ave. NE, Belmont, MI 49306.
VP of Advocates For Senior Issues and Chairperson of Elder Abuse Sub-committee.

SUBJECT: Comments on House Bill 4621 and House Bill 5210

Comments on House Bill 4621

A similar bill that allows a vulnerable child to testify via various communication technologies has been in force for many years. The reasoning behind the bill is so conspicuous that it most likely is embraced by all. What has been overlooked in the past is the similarity between the vulnerable child and the vulnerable adult.

House Bill 4621 is a long time in coming and will provide a great service to our seniors. My one concern is that there seems to be a great reluctance by our Prosecutors and Human Service Organizations to include any senior in the "vulnerable adult" category that is considered mentally capable of making their own decisions. Even though the legal definition of "vulnerable adult" includes the words, "because of age", this attitude has kept the door closed to many of our frail, sick, weak, and feeble seniors as far as the protective elements of these "vulnerable adults" statutes are concerned.

Comments on House Bill 5210

My committee conducted a survey on the 12 largest counties in Michigan when House Bill 5581 was introduced back in December 2007. This bill concerned the development of an Elder Death Review Team by our County Medical Examiners. Out of the 12 County Medical Examiners (or their staff members) that we talked to, there was only one that said they would even think about creating the Elder Death Review Team (Wayne County). We were told by the other 11 that they already did this and didn't need another laws to deal with.

House Bill 5210 may face the same negative response from the required representatives that would be mandated to create a Vulnerable Adult Abuse Investigation Team. Our experience shows that this Bill is not only needed but would be a great tool for all of our counties as it would provide a standardized method for all to use.

One of my concerns is that some of the representatives that have been defined in the bill to develop the state model have been the gatekeepers over investigating vulnerable adult cases for years. Therefore, possibly responsible for the lack of prosecutions or preventive action, in the past. I would feel much better if there were a few "out-of-the-box" people included in the development team.

My second concern is that the bill is not making it mandatory that the investigating teams are established. This basically throws the decision for changes right back to the same people that have been providing or not providing the present investigations. As you can tell by my comments, I do think that the people that have been responsible for dealing with our "vulnerable adults" issues are actually part of the problem.

Thank you for considering my comments on these two important bills.

James C Emmert
(H) 616-874-5886
jceckye@aol.com